

Application No. 10/804,155
Date of Amendment January 20, 2006
Response to Office Action of October 20, 2005

REMARKS

**Reconsideration And Allowance
Are Respectfully Requested.**

Claims 1-7, 10-17 and 20 are currently pending. Claim 1 has been amended. Claim 8 has been cancelled by way of the present amendment. No new matter has been added. No new claims have been added. Reconsideration is respectfully requested.

With regard to the rejections based upon prior art, claims 1-5 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3, 391, 905 to Burns. Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burns in view of U.S. Patent No. 5,577,745 to Birk. Claims 8 and 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burns in view of U.S. Patent No. 6,135,466 to Irwin. Claims 16, 17 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burns in view of U.S. Patent No. 2,582,435 to Howard. These rejections are respectfully traversed in view of the proceeding amendments and the remarks which follow.

In particular, independent claim 1 has been amended so as to further define the relationship between the first support bar and the first and second coupling members as they are positioned between the first and second upwardly extending arms. This has been achieved by substantially adding the limitations from claim 8 to independent claim 1 and further defining the relationship of the first support bar, as well as the first and second coupling members, as being within a plane defined by the first and second upwardly extending arms.

Application No. 10/804,155
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Applicant has claimed a cart for moving large irregularly shaped articles. The cart includes a base having a forward end and a rearward end. The cart further includes first and second upwardly extending arms connected to the base. Each of the first and second upwardly extending arms includes a distal end coupled to the base and proximal end. The first and second upwardly extending arms define a first plane therebetween. A lift mechanism is positioned between the first and second upwardly extending arms. The lift mechanism includes a first support bar mounted adjacent the distal end of the first and second upwardly extending arms for selective movement along the first and second upwardly extending arms. The first support bar includes first and second coupling members positioned between the first and second upwardly extending arms for selective coupling the first support bar to the article. The first and second coupling members are elongated bodies shaped and dimensioned for ready engagement with the article. More particularly, the first and second coupling members are positioned within, and extend substantially perpendicularly from, the first plane and the first support bar is positioned within the first plane. The lift mechanism also includes a second support bar positioned above the first support bar. The second support bar includes a first end and a second end. The first and second ends of the second support bar are fixedly secured to the first and second upwardly extending arms respectively. A crank arm extends between the second support bar and the first support bar. The crank arm permits controlled movement of the first support bar along the length of the first and second upwardly extending arms.

In contrast to the cited prior art, in particular, Burns, claim 1 defines that the first support bar includes first and second coupling members positioned between the first and second upwardly extending arms for selectively coupling the first support bar to the article. The positioning of the

Application No. 10/804,155
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first and second coupling members and the first support bar between the first and second upwardly extending arms (that is, within the plane defined by the first and second upwardly extending arms) creates optimal weight distribution allowing the present cart to be tilted for ready movement of the article.

In contrast, Burns discloses a toilet bowl handling and transporting apparatus. The device is merely designed for attachment to and lifting of a toilet bowl for movement relative to the base structure. The device of Burns keeps the toilet bowl spaced from the two parallel bars and merely allows for rolling of the apparatus upon the four wheels. Because of the weight distribution provided by Burns, tilting of the device for added maneuverability is undesirable and is not part of the functionality of the present device.

Nothing in the prior art discloses or suggests the possibility for modifying Burns so as to read upon the pending claims. As such, amended claim 1 is now believed to overcome the prior art of record for the reasons presented above and Applicant respectfully requests the rejection be withdrawn.

As to those claims dependent upon independent claim 1, they are believed to overcome the prior art of record for the reasons presented above and Applicant respectfully requests these rejections also be withdrawn.

Further, and with regard to the dependent claims rejected as being obvious based upon the combination of Burns in view of Birk or Irwin, it is Applicant's opinion the application of these references is improper based upon the unsupported nature of the modification proposed in the outstanding Office Action. In particular, and with regard to Birk, it has been cited as supporting the

Application No. 10/804,155

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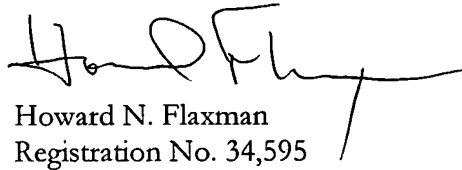
proposition it would have been obvious to add the handle structure of claim 6 and 7 to the device of Burns. Such a modification would require the complete reengineering of Burns in a manner neither disclosed nor suggested in the prior art. In particular, the weight distribution characteristics of Burns dictate the device is not intended for tilting and maneuverability. To modify Burns in this manner would require the complete revamping of the design disclosed by Burns. Further, the addition of handles as disclosed by Birk would most certainly interfere with rotation of the handle disclosed by Burns.

As to the application of Irwin as rendering claims 8, 10, 11 and 12 obvious, it is difficult to understand how the clamping members 10 of Burns could be replaced with coupling members 20 such as those disclosed by Irwin. The coupling members of Irwin are long straight members designed to extend beneath a toilet, while the clamping members of Burns are designed for insertion within a toilet bowl. Once again, and as with the application of Birk, modification of Burns based upon the disclosure of Irwin would require the complete reengineering thereof in a manner neither suggested nor disclosed by either reference.

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Date of Amendment January 20, 2006
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It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,



Howard N. Flaxman
Registration No. 34,595

WELSH & FLAXMAN LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314
Telephone: (703) 920-1122
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